



December 1, 2010

Mr. Matthew T. Wallen
Director, Office of Public Assistance, Government Affairs & Compliance
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Mr. Wallen,

Thank you for your recent contact with our TRAC consultant in an effort to update the TRAC filings on the STB oversight website. We appreciate your assistance with these matters as it helps to keep the public updated on the ongoing concerns with the changes taking place on the EJ&E line.

Despite what we considered to be the mitigation shortcomings that accompanied the Board's approval decision in late 2008, we were pleased that the STB decided to remain in an oversight and monitoring capacity as to the implementation and impacts of the CN purchase of the EJ&E for a period of five years. As our correspondence over the last two years and even during the last month has indicated, there are ongoing issues which we, in local government, must have addressed in order to fulfill our responsibility to the residents in our communities and in the greater Chicago region.

As we have all come to know, the circumstances of this transition have had a tremendous and growing impact on our communities and our constituents – and thus their local elected leaders will continue to be engaged until the mitigation that was promised (and required by the STB), and other needed mitigation (as it becomes known to the STB), is delivered. We are sure that everyone can understand the position of the communities, just as we understand the implication of the STB's approval of the purchase by CN.

We would like to take the opportunity to comment on CN's November 9 reply to the October 14 TRAC letter with regard to the Will County sinkhole situation. CN's response shed no further light on this issue. We again request a third party consultant opinion on this matter, particularly in light of the increased hazmat transport on the line.

Additionally, we have attached to this letter two pieces of correspondence between CN Vice President Jim Vena and Barrington President Darch regarding the emergency signage issue, as well as a train crossing blockage incident in Barrington that occurred on October 15 and which lasted for almost 2 hours during evening rush-hour. This blocked crossing incident is also the subject of the attached report from the Illinois Commerce Commission.

Our thoughts at this time on the issues raised in the various pieces of correspondence are as follows:

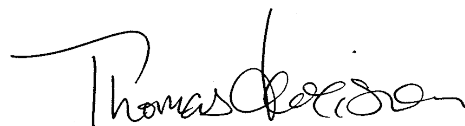
1. Emergency Signs: Despite Mr. Vena's offer to add additional signage to communities -- at each community's request -- we expect the STB to insist that PROMINENT signage (perhaps like that found in the attached Exhibit 4) be placed at all at grade crossings on the EJ&E as required in VM9. Putting them only in those communities that request them does not address the safety of those communities' residents when they travel elsewhere in the region (which they do often.) In fact, one might say that residents from outside a community may have the least idea of what crossing they are at and thus most in need of prominent signage.
2. Blocked Crossings: As important as our desire to know what the STB response to the underreporting issue raised in Decision 23, more important for the communities is how to avoid blocked crossings in the future. While Mr. Vena explained that these unfortunate incidents do occur, the ICC report explains that the one in Barrington was caused by the failure of a knuckle which had a 30 percent old break and casting flaws. The report also indicates that certain actions could have been taken to unblock the crossings much sooner. Will the STB follow up with a more stringent equipment maintenance/condition requirement, and assurance that the corrective action as mandated in VM 35 is taken? "Unfortunate" blocked crossing incidents strand thousands of Metra commuters on trains for extended periods; cause those stopped in traffic gridlock to miss important occasions; or, make them hours late for pick-up of their children in day care. While it was fortunate that no life-threatening emergencies occurred on October 15 during that Barrington blockage, these issues are of ongoing concern to local governments as we hear about them from our residents. We need CN to recognize this and react accordingly. ***We need the STB to assure that CN does what is expected and required of it in a timely manner.***

Thank you for your attention to our concerns. We hope to hear from you promptly regarding them.

Sincerely,



Karen Darch
TRAC Co-Chair & President, Barrington



Tom Weisner
TRAC Co-Chair & Mayor, Aurora

cc: Karen B. Philips
Jim Vena
Honorable Daniel R. Elliott III, STB
Honorable Laurence Walsh
Honorable James Moustis